

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TODD M. HONEYCUTT,

Petitioner,

vs.

BILL DONAT, *et al.*,

Respondents.

2:06-cv-00634-RLH-GWF

ORDER

This habeas matter comes before the Court following upon the August 1, 2013, memorandum opinion of the Court of Appeals and the April 7, 2014, denial of *certiorari* review by the Supreme Court. Following upon the decision of the Court of Appeals, a conditional grant of a writ of habeas corpus is warranted.

IT THEREFORE IS ORDERED that the petition for a writ of habeas corpus is conditionally GRANTED such that the state court judgment of conviction filed on December 8, 1999, in Nos. C151952 and C156839 in the Eighth Judicial District Court, State of Nevada, hereby is VACATED and that petitioner Todd Michael Honeycutt, Inmate No. 63545, shall be released from custody within thirty (30) days unless respondents within that time file in this matter a written notice of election to retry petitioner and the State thereafter commences jury selection in a retrial within one hundred twenty (120) days following the filing of the notice of election to retry petitioner, subject to request for reasonable modification of the time periods in the judgment by petitioner and/or respondents pursuant to Rules 59 or 60.

1 The Clerk of Court shall enter final judgment accordingly in favor of petitioner and
2 against respondents, conditionally granting the petition for a writ of habeas corpus as
3 provided above.

4 The Clerk further shall SEND a copy of this order and the judgment to the Clerk of the
5 Eighth Judicial District Court, in connection with that court's Nos. C151952 and C156839.

6 DATED: April 14, 2014

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9 ROGER L. HUNT
10 United States District Judge
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